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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,339	10/14/2005	Hac Il Chung	587-36	2074
28249 7590 09/18/2007 DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. SUITE 702 UNIONDALE, NY 11553			EXAMINER MCPARTLIN, SARAH BURNHAM	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 09/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,339

Applicant(s)

CHUNG, HAE IL

Examiner

Sarah B. McPartlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure s 1 through 3B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-19 are objected to because of the following informalities:
- The phrase "the reverse rotation" (claim 1, line 10) lacks sufficient antecedent basis.
 - Claims 7, 16 and 17, line 3: It appears as if the word - - a - - should be inserted between the word "or" and the word "support."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-10 and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (6,000,760). With respect to claim 1, Chung discloses in Figure 8, a device for moving a headrest back and forth comprising: a stay (10) mounted with a horizontal portion (11) and a pair of parallel vertical portions (12), a ratchet member (20) provided with a gear portion (21)(22) formed with a plurality of teeth (21) and a jaw (22); a tilt adjusting device (30) comprising a pair of parallel members (31)(32), each having a lower portion (unlabeled) in pivotal engagement with the horizontal portion (11) of said stay (10); a check member (50) comprising one or a pair of pivotal gears (unlabeled), extending from a support portion, having teeth (51) to travel on and engage with teeth (21) of said ratchet member (20) installed that the reverse rotation of said tilt adjusting device (30) may be prevented; a back and forth movement device (100) comprising a pair of parallel members (150)(150'), one end of which is pivotally connected to the horizontal portion (11) of said stay (10) and arranged to move the headrest back and forth; a first torsion coil spring (40), two ends of which are respectively hooked on the horizontal portion (11) of said stay (10) and one of the parallel members (31)(32) of said tilt adjusting device (30) or said back and forth movement device (100); one or a pair of second torsion coil springs (60) having one end hooked on said pivotable gear of said check member (50); and a mobile shaft (160) axially mounted to pass through upper portions of the parallel members (150)(150') of said back and forth movement device (100).

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With respect to claim 2, the device further comprises one or a pair (110)(110') of mounting panels fixed on said mobile shaft (160) by way of links (130)(130')(140)(140').

With respect to claim 3, said ratchet member (20) is installed on the horizontal portion (11) of said stay (10).

With respect to claim 5, said pivotable gear (unlabeled), has a jaw, in the form of a surface located at the end of teeth (51), for interacting with the jaw (22) of the ratchet member (20) and is pivotably arranged on the two parallel members (31)(32) of the tilt adjusting device (30).

With respect to claim 6, the parallel members (31)(32) of the tilt adjusting device (30) are installed in pivotal engagement with the horizontal portion (11) of said stay (10) by means of a shaft (53) passing through the holes in said members and said support for said pivotable gear (see Figure 9).

With respect to claim 7, one end of said first torsion spring (40) is hooked on the support (31)(32) of the pivotable gear (unlabeled) and on the horizontal portion (11) of the stay (10).

With respect to claim 8, said first torsion coil spring (40) is wound around the horizontal portion (11) of said stay (10).

With respect to claim 9, said second torsion coil spring (60) has the other end hooked on one of the parallel members (31)(32) of said tilt adjustment device (30).

With respect to claim 10, said ratchet member (20) is installed on the horizontal portion (11) of said stay (10).

With respect to claims 12-13, said pivotable gear (unlabeled), has a jaw, in the form of a surface located at the end of teeth (51), for interacting with the jaw (22) of the ratchet member (20) and is pivotably arranged on the two parallel members (31)(32) of the tilt adjusting device (30).

With respect to claims 14-15, the parallel members (31)(32) of the tilt adjusting device (30) are installed in pivotal engagement with the horizontal portion (11) of said stay (10) by means of a shaft (53) passing through the holes in said members and said support for said pivotable gear. (see Figure 9).

With respect to claims 16-17, one end of the said first torsion coil spring (40) is hooked on said support (31) for said pivotable gear (unlabeled) fixed on the horizontal portion (11) of said stay (10).

With respect to claims 18-19, said second torsion coil spring (60) has the other end hooked on one of the parallel members (31)(32) of said tilt adjustment device (30).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (6,000,760) in view of Yokota (4,640,549). As disclosed above, Chung reveals

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all claimed elements with the exception of a ratchet member having two opposite gear portions.

Yokota discloses a ratchet member (5) having two opposite gear portions (12).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to replace the single gear portions and single pivotable gear with dual gear portions and dual pivotable gears (14) as taught by Yokota. Such a modification would distribute the load of a force placed on the gear members decreasing the likelihood of the device to fail under excessive force.

Response to Amendment/Arguments

7. The amendment filed by Applicant on August 30, 2007 has been considered in its entirety.

Applicant argues thatching does not disclose a back and forth movement device comprising a pair of parallel members, one end of the members being pivotally connected to the horizontal portion of the stay. The back and forth movement device (100) is made up of parallel members (130) and (140). These parallel members are pivotally connected to the horizontal portion (11) of stay (10) by way of rod (160) and TAD (30). The claim does not require a direct and contacting connection between one end of the parallel members and the horizontal portion. The claim simply requires that the two elements by "pivotally connected." The Examiner maintains that the back and forth movement device (100) and the horizontal portion (11) of stay (10) are pivotally connected by way of rod (160) and TAD (30).

Applicant further argues that Yokota does not disclose a ratchet member disposed on a horizontal portion of the stay. The Examiner maintains that element (5) is a ratchet member since it carries teeth (12) at end portions thereof. Plates (11), which have teeth (12) extending therefrom, are fixed on plate (5) that is in turn mounted on the horizontal portion of the stay. Therefore, the Examiner maintains that the ratchet member disclosed by Yokota meets the limitations of the claim.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah B. McPartlin/
Patent Examiner
Art Unit 3636

SBM
September 13, 2007